

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Methods to Target and Eliminate Unlawful Robocalls)	CG Docket No. 17-59
)	
Call Authentication Trust Anchor)	WC Docket No. 17-97

**COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Eighth Further Notice of Proposed Rulemaking (“*Eighth Further Notice*”) released by the Federal Communications Commission (“Commission”) in the above-captioned proceedings.² The Commission seeks comment on requiring voice service providers to block calls that are “highly likely to be illegal” as well as calls that are from telephone numbers that appear on a “Do-Not-Originate” (“DNO”) list.³ The Commission also seeks comment on a “redress” process under which notifications would be sent to a caller to inform them that their call has been blocked, along with information necessary to resolve a mistake should they believe a call was blocked in error. As discussed further below, while NTCA believes that SIP Code 603+ ultimately will be the most useful (to consumers) and cost-effective (for providers) method to so notify callers, concerns with respect to the potential failure of this method on certain

¹ NTCA–The Rural Broadband Association represents approximately 850 independent, community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or are themselves engaged in the provision of such services.

² *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, *Call Authentication Trust Anchor*, Seventh Report and Order in CG Docket 17-59 and CG Docket 17-97, Eighth Further Notice of Proposed Rulemaking in CG Docket 17-59, and Third Notice of Inquiry in CG Docket 17-59, FCC 23-37 (rel. May 19, 2023).

³ *Id.*, ¶¶ 71-80 (“*Eighth Further Notice*”).

networks should prompt the Commission to decline to expand its call blocking regime until such issues can be resolved.

More specifically, NTCA urges the Commission to pause any efforts to expand its call blocking regime until it can ensure that SIP Code 603+ will work across all voice networks and provide callers all of the information they need for effective redress – and this is unfortunately not the case now. Instead, the persistent presence of non-IP (or TDM) facilities in voice networks potentially renders this code ineffective as the necessary information is, for many calls, “lost in transit” as it traverses these facilities. This is similar to the effect these facilities have on the important STIR/SHAKEN regime as well.⁴ Thus, before the Commission expands voice service providers’ ability to engage in call blocking – moving from what is now a *permissive* regime to *requiring* blocking of certain types of calls – it cannot do so in a way that protects consumers without addressing these non-IP facilities as the “weak link” in the chain. In particular, rural consumers trapped behind other operators’ TDM facilities should not be denied the benefits of SIP Code 603+, and the prospect of mistaken blocking of their legitimate and wanted calls in a manner that then provides no redress should be of significant concern to the Commission. In any case, should the Commission move forward despite the ineffective nature of these notifications, it should grant “small voice service providers”⁵ additional time to comply with the call blocking and SIP code proposals.

⁴ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Notice of Inquiry, FCC 22-81 (rel. Oct. 28, 2022) (“*Non-IP NOP*”), ¶ 6 (noting that “the STIR/SHAKEN framework fails to work if at any point a call routes over non-IP network technology, even if both the originating and terminating voice service provider have implemented the technology.”).

⁵ For purposes of its STIR/SHAKEN rules, the Commission has defined “small” voice service providers as those with 100,000 or fewer voice subscriber lines. *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, FCC 20-136 (rel. Oct. 1, 2020), ¶ 40.

Stepping back, NTCA supports the Commission’s multi-pronged efforts to reduce unwanted and illegal robocalls, including measures such as the STIR/SHAKEN mandate and permissive call blocking. With respect to call blocking specifically, while NTCA has supported prior steps to facilitate use of call blocking tools to protect consumers,⁶ NTCA has noted as well the *equal importance of a measured approach to the use of these tools*. It is critical to put in place strong and clear “guardrails” around voice providers’ authority to block suspected unwanted or illegal robocalls to address inevitable “false positives” – instances in which legitimate and wanted calls are inadvertently caught up in blocking tools. These tools’ use of “data analytics” is a relatively new practice, and mistakes are unavoidable. Thus, a “redress” regime is essential to permit consumers to remove their numbers from a “backlist” or otherwise address what they believe is a false positive instance of “blocking.” Consumers need and deserve a regulatory regime that safeguards the reliability of the voice network for legitimate calls as much as they deserve protection from unwanted calls. SIP codes are an essential part of any redress provision – callers should not be left to wonder why their call has failed to complete or how to correct the mistake of a call that was blocked in error.

Small rural providers are particularly attuned to the reliability of the voice network. A decade-long fight against rural call completion problems underscores that the reliability of the telephone network cannot be taken for granted. After a decade of efforts to bring this problem to the attention of policymakers and search for solutions, a mix of enforcement efforts and updated

⁶ Comments of NTCA, CG Docket No. 17-59, WC Docket No. 17-97 (fil. Jan 29, 2020), p. 12 (“NTCA “supports the Commission’s clarification of voice providers’ authority to block suspected unwanted or illegal robocalls. Consumers in search of relief from these unwanted calls deserve access to any technology their provider can bring to the fight against these intrusions. A party inadvertently caught up in a call-blocking service and placed on a ‘blacklist’ ...should have a means of correcting such a mistake as expeditiously as possible.”).

rules helped to set proper incentives to complete calls destined for rural areas.⁷ Based on this experience, NTCA members have long been concerned that, absent implementation of STIR/SHAKEN on an “end-to-end” basis, legitimate calls from rural areas could be increasingly viewed as “suspicious” and blocked by mistake – creating in effect a “reverse rural call completion” problem in which millions of calls from rural areas are blocked or ignored.

To protect against such outcomes or any mistakenly blocked calls, NTCA again⁸ supports a requirement that would leverage a SIP code to notify callers that calls have been blocked. To this end, NTCA appreciates that the Commission granted additional time for the industry standards body process to modify SIP Code 603 in a way that meets the needs of consumers and will be much simpler for providers to implement.⁹ And NTCA appreciates the attention to leveraging SIP Code 603, given that SIP Code 608 would have offered limited functionality and presented significant, costly implementation challenges for service providers. But even with such work, concerns persist. “Redress” is of little value if the SIP code never reaches the originating caller or does not do so with all of the information they need for effective redress. Thus, even as NTCA supports the use of SIP Code 603+ in connection with the inquiry found in the *Eighth Further Notice*,¹⁰ work remains to ensure this SIP code lives up to its promise for *all* consumers.

Thus, before unleashing additional blocking with ineffective redress, the Commission should address the limitations of any SIP code. The simple fact is that no SIP code (nor any SIP

⁷ *Rural Call Completion*, WC Docket No. 13-39, Fourth Report and Order, FCC 19-23 (rel. Mar. 15, 2019).

⁸ NTCA reply comments, CG Docket No. 17-59 (fil. Feb. 14, 2022).

⁹ Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59, Order on Reconsideration, Sixth Further Notice of Proposed Rulemaking, and Waiver Order, FCC-21-126 (rel. Dec. 14, 2021).

¹⁰ *Eighth Further Notice*, ¶¶ 90-94.

header containing STIR/SHAKEN data for that matter) can successfully traverse a call end-to-end and fully intact if TDM facilities exist in the call path. Even as “calls that transit both IP and non-IP networks, ISUP Code 21 must be mapped to SIP Code 603, 607, or 698”¹¹ the functionality is limited in terms of the information provided to callers. And as was confirmed in the “non-IP” call-authentication proceeding, TDM remains a significant part of the overall voice network.¹² This means that even the most modern voice service provider that has implemented both SIP Code 603+ as well as STIR/SHAKEN on its own network will not see the full benefits of these two IP-enabled consumer protections accrue to their subscribers for calls that traverse TDM facilities at any point in a call path. For NTCA members and their subscribers, this “TDM in the middle” barrier is particularly problematic – even as many NTCA operators are IP-enabled within their own networks, many callers will receive no notice via SIP Code 603+ if their calls are mistakenly blocked due to the presence of these TDM facilities on interconnecting provider networks.

The TRACED Act specifically directs the Commission to include in its call blocking regime “transparency and effective redress,”¹³ yet the “TDM in the middle” issue remains a barrier to fulfilling this congressional directive. The Commission has a statutory duty to address the barriers to its proposed redress process that include a SIP code that will never arrive to millions of consumers if their calls are inadvertently flagged by data analytics and blocked.

¹¹ NPRM, fn 172.

¹² Comments of NTCA–The Rural Broadband Association (“NTCA”), WC Docket No. 17-97 (fil. Dec. 12, 2022), pp. 4-5; Comments of the Cloud Communications Alliance (“Alliance”), WC Docket No. 17-97 (fil. Dec. 12, 2022), p. 2; Comments of the Competitive Carriers Association, WC Docket No. 17-97 (fil. Dec. 12, 2022), p. 4; Comments of NCTA – The Internet & Television Association (“NCTA”), WC Docket No. 17-97 (fil. Dec. 12, 2022), p. 2.

¹³ TRACED Act § 10(b), codified at 47 U.S.C. § 227(j) (stating that call blocking practices should include transparency and effective redress options for callers).

Thus, the Commission should immediately turn its attention back to its “non-IP” call-authentication proceeding,¹⁴ where there is a full record upon which the Commission could act to perpetuate IP traffic exchange agreements and thereby enable more effective redress and successful authentication across voice networks.

Finally, to the extent the Commission moves forward with the call blocking and redress requirements as proposed, it should grant “small” voice service providers additional time to comply. These operators have just recently come into compliance with the STIR/SHAKEN mandate, and the ability to block the calls at issue herein and transmit a SIP code is not a simple “plug and play” exercise. At the very least, these small operator should be granted 120 days from the date the rules are effective.

Respectfully submitted,

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¹⁴ *See, Id*, fn. 4.